

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:13CR00058 HEA
)	
JEFFREY ELLERBECK,)	
)	
Defendant.)	

**MOTION OF THE UNITED STATES
FOR A FINAL ORDER OF FORFEITURE**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Stephen Casey, Assistant United States Attorney for said District, and moves this Court to issue a Final Order of Forfeiture in the above-captioned case. In support thereof, the United States sets forth the following:

1. On July 11, 2013, based on Defendant Jeffrey Ellerbeck's guilty plea to the Indictment and the signed Guilty Plea Agreement, this Court entered a Preliminary Order of Forfeiture ordering the forfeiture of the following property to the United States (hereafter the "Subject Property"):

- a. 2004 Audi A6, VIN: WA1YD64B74N001039; and
- b. \$302,855.00 U.S. Currency.

2. Based upon the evidence in Defendant's Plea Agreement, the United States has established that Defendant had an interest in the Subject Property and that the requisite nexus exists between the Subject Property and the offense to which Defendant has pleaded guilty.

3. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(6) and Title 21, United States Code, Section 853(n)(1), the United States posted notice of the Preliminary Order of Forfeiture on an official internet government forfeiture site (www.forfeiture.gov) for at least 30 consecutive days beginning on August 3, 2013 and ending on September 1, 2013. Said published notice advised all third parties of their right to petition the Court within thirty (30) days of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the Subject Property.

4. The United States also sent direct written notice, to the extent practicable, to any person who reasonably appeared to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

5. No third party has made any claim to or declared any interest in the Subject Property within the time permitted under the applicable statutes.

6. Because no party has timely filed a petition claiming an interest in the Subject Property, the Preliminary Order should now be made final pursuant to Federal Rule of Criminal Procedure 32.2(c)(2).

WHEREFORE, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the United States moves this Court for a Final Order of Forfeiture declaring the Subject Property as set forth in paragraph 1 above to be forfeited as to all parties, investing full right, title, and interest in

the Subject Property in the United States, directing that the Subject Property be disposed of according to law. The United States submits herewith its proposed Final Order of Forfeiture.

Dated: November 8, 2013

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Stephen Casey
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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2013 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Stephen Casey
STEPHEN CASEY, #58879MO
Assistant United States Attorney